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PAPER NO: 17

Applicant	: LARSON et al	)	
Serial No	: 09/613,154	)	
Filed	: 06/30/2000	)	
For	: Water Sport Towing	)	
	: Apparatus and Method	)	
			<b>PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.324</b>

This is a decision on the petition to correct inventorship under 37 CFR 1.324, which was filed June 30, 2000 in reissue application 09/613,154 for U.S. Patent No. 5,979,350.

The petition is **DISMISSED**.


MPEP 1412.04 sets forth:

The reissue application with its reissue oath or declaration under 37 CFR 1.175 provides a complete mechanism to correct inventorship. See A.F. Stoddard & Co. v. Dann, 564F.2d at 567, 195 USPQ at 106. A request under 37 CFR 1.48 or a petition under 37CFR 1.324 cannot be used to correct the inventorship of a reissue application. If a request under 37 CFR 1.48 or a petition under 37 CFR 1.324 is filed in a reissue application, the request or petition should be dismissed and the processing or petition fee refunded. The material submitted with the request or petition should then be considered to determine if it complies with 37 CFR 1.175. If the material submitted with the request or petition does comply with the requirements of 37 CFR 1.175 (and the reissue application is otherwise in order), the correction of inventorship will be permitted as a correction of an error in the patent under 35 U.S.C. 251.

As the materials submitted with the petition to correct inventorship do not comply with the requirements of 37 CFR 1.175, a new reissue declaration clearly setting forth the error of inventorship as set forth in MPEP 1412.04 is suggested. Any

petition fee charged shall be refunded. As set forth previously, since the reissue declaration provides the complete mechanism for correction of inventorship, the petition under 37 CFR 1.324 is dismissed.

**Summary:** Petition **DISMISSED**

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S. Joseph Morano  
Supervisory Patent Examiner  
Art Unit 3617

sjm: December 7, 2001